

D. R. HORTON, INC.

and

MICHAEL CUDA,
an Individual

Respondent, D. R. Horton, Inc. (the “Company”), by its attorneys, hereby submits this Motion for Leave to file the attached Supplemental Brief in Support of its Exceptions to the Administrative Law Judge’s (“ALJ”) decision and its Answering Brief to the General Counsel’s Exceptions to the ALJ’s decision. In support of this Motion for Leave, the Company states:

1. On April 27, 2011, the United States Supreme Court issued a ruling in the case *AT&T Mobility LLC v. Concepcion et ux.* (“*AT&T Mobility*”).
2. The Court’s decision in *AT&T Mobility* provides guidance and interpretation on the topic of arbitration agreements generally, arbitration clauses dealing with class claims, the interpretation of arbitration agreements under the Federal Arbitration Act (“FAA”), and the preemptive effect of the FAA over other conflicting laws.
3. All of these issues were dealt with directly and covered extensively in the Company’s previous briefs to the Board in the instant matter, all filed prior to the decision in *AT&T Mobility*.

4. Accordingly, as the Board should have the benefit of Respondent's position regarding the effect of *AT&T Mobility* on the issues in this case, the Company respectfully requests leave to file the attached Supplemental Brief.

Respectfully submitted,



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Dated: May 6, 2011

D. R. HORTON, INC.

and

MICHAEL CUDA
and Individual

CERTIFICATE OF SERVICE

on May 6, 2011.

Bernard P. Jeweler